

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

VEDA MAE DOWNING,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 4:10CV01509 TCM
	)	
CHARLES R. DWYER, et al.,	)	
	)	
Defendants.	)	

**DEFENDANTS' MOTION FOR RECONSIDERATION  
OF ORDER FOR REFERRAL TO MEDIATION**

Defendants Chuck Dwyer, Johnny Williams, Steven Long, George Lombardi and Alex Clinton, by and through counsel, request this court reconsider and withdraw its Order to mediation. (Doc. #32). In support of this motion Defendants state:

1. Plaintiff filed this matter on or about August 10, 2010.
2. The parties participated in a scheduled Rule 16 Conference on March 11, 2011. After the conference, this court entered an order setting this matter for trial on July 9, 2012. (Doc. # 31).
3. On March 28, 2011 this court entered an order referring this matter to mediation and ordered counsel for Defendants to take the lead in and be responsible for working with the parties and the neutral to coordinate an

agreeable date, time, and, if necessary, location for the initial ADR conference. (Doc. #32).

4. Subsequent to the court's order, counsel for Defendant filed a Motion to Dismiss for failure to state a claim. (Doc. #38 and 39).

5. Also subsequent to the court's order to mediation, counsel for Plaintiff withdrew representation. (Doc. #46).

6. Shortly thereafter, Plaintiff filed a memo with the court indicating she would proceed pro se in this matter and requested the court grant additional time to respond to Defendants' motion to dismiss and to retain counsel. (Doc. #48 and 53).

7. On July 25, 2011 the court entered an order granting Plaintiff's motion for an extension of time within which to respond to the pending motion to dismiss and to retain new counsel up to and including August 31, 2011. Plaintiff was also cautioned "that no further extensions will be granted, regardless of whether she has been able to retain counsel." (Doc. #54).

8. As of today, Plaintiff has failed to retain new counsel, Plaintiff has not responded to Defendants' motion to dismiss and thus, has failed to comply with the court's order of July 25, 2011.

WHEREFORE, due to the status of this case, Defendants request this court relieve them of its order to mediation.

Respectfully submitted,

**CHRIS KOSTER**

Attorney General

/s/Dana Walker Tucker

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*Attorneys for Defendants Dwyer, Long,  
Lombardi Williams and Clinton*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 6<sup>th</sup> day of December, 2011, the foregoing was filed electronically with the Clerk of Court by operation of the Court's electronic filing system and mailed via U.S. Mail to:

VEDA MAE DOWNING

3136 Jamieson Ave.

St. Louis, MO 63139-2520

Plaintiff

/s/Dana Walker Tucker

Assistant Attorney General